

ESTTA Tracking number: **ESTTA652999**

Filing date: **01/29/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding.	91207107
Applicant	Plaintiff Boston Red Sox Baseball Club Limited Partnership
Other Party	Defendant Michael Litterio
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	Yes

Motion for an Extension of Answer or Discovery or Trial Periods With Consent

The Close of Plaintiff's Trial Period is currently set to close on 03/08/2015. Boston Red Sox Baseball Club Limited Partnership requests that such date be extended for 30 days, or until 04/07/2015, and that all subsequent dates be reset accordingly.

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	CLOSED
Expert Disclosure Due :	CLOSED
Discovery Closes :	CLOSED
Plaintiff's Pretrial Disclosures :	02/21/2015
Plaintiff's 30-day Trial Period Ends :	04/07/2015
Defendant's Pretrial Disclosures :	04/22/2015
Defendant's 30-day Trial Period Ends :	06/06/2015
Plaintiff's Rebuttal Disclosures :	06/21/2015
Plaintiff's 15-day Rebuttal Period Ends :	07/21/2015

The grounds for this request are as follows:

- *Parties are unable to complete discovery/testimony during assigned period*
- *Parties are engaged in settlement discussions*
- *Since the institution of the proceedings, the parties have had verbal and written settlement negotiations, have drafted, reviewed and proposed term sheets, as well as drafted and exchanged an agreement, which includes an amendment of Applicant's revised mark. Since the parties last sought an extension, Opposer's outside counsel drafted an agreement based on new terms recently discussed with Applicant's counsel. Opposer's outside counsel then relayed the draft agreement to Opposer's in-house counsel for review. Opposer's in-house reviewed and revised the agreement, and sent its comments to Opposer's outside counsel. Opposer's outside counsel revised the agreement accordingly, and relayed the revised agreement to Applicant's counsel for consideration. Additionally, during this time, the parties' counsel conferred regarding the matter on January 20, 2015, January 21, 2015, January 22, 2015, January 27,*

2015, January 28, 2015. The additional time is requested for Applicant to complete its review of the agreement, which contains provisions regarding the use and registration of the parties' respective marks, as well as an amendment to Applicant's Mark, and for the parties to work towards settlement of this matter. The parties strongly believe they will timely resolve this matter. If the agreement is accepted by both parties, there will be no need to proceed with the Opposition. Additionally, the parties are engaged in the discovery process. Both parties served discovery requests and responses. However, due to the massive amount of materials that will need to be gathered, covering an extensive period of time, Opposer needs additional time to complete discovery. The parties therefore request the extension in order to work towards settlement of this matter and complete the discovery process.

Boston Red Sox Baseball Club Limited Partnership has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Boston Red Sox Baseball Club Limited Partnership has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted,

/Aryn M. Emert/

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